

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 11-59687
	:	Chapter 7 (Judge Hoffman)
Grant Riley	:	SSN: xxx-xx-4838
Melissa Riley	:	SSN: xxx-xx-2273
2346 Stargrass Avenue	:	
Grove City, Ohio 43123	:	
	:	
	:	
	:	
	:	
	:	
Debtors.	:	

**TRUSTEE’S MOTION FOR TURNOVER OF ANNUITY PAYMENTS RECEIVED BY
DEBTOR, MELISSA RILEY**

Susan L. Rhiel (the “Trustee”), Chapter 7 Trustee for the bankruptcy estate of Grant and Melissa Riley (the “Debtors”), moves this Court for an Order requiring the Debtor, Melissa Riley, to turn over annuity payments received as a result of a personal injury settlement, and to provide an accounting of all payments received by the Debtor as of the petition date. Grounds for this Motion are set forth more fully in the accompanying Memorandum in Support.

Respectfully submitted,
RHIEL & ASSOCIATES CO., LPA

/s/ Susan L. Rhiel

Susan L. Rhiel, Esq. (0034533)
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Attorneys for Susan L. Rhiel, Trustee

MEMORANDUM IN SUPPORT

The Debtors filed a voluntary petition under chapter 7 of the Bankruptcy Code on September 22, 2011 (the “Petition Date”). The Debtor, Melissa Riley, was receiving monthly payments from an annuity as a result of a personal injury claim, prior to filing for bankruptcy.

On November 30, 2011 and December 13, 2011, the Trustee forwarded correspondence to Debtors' counsel requesting that the Debtor turn over the annuity payments and also requested an accounting of all payments received by the Debtor as of the petition date. To date, the Trustee has not heard from Debtors' counsel nor has she received the annuity payments or the accounting.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order requiring the Debtor to turn over the annuity payments and to provide the Trustee with an accounting of the payments received as of the petition date.

Respectfully submitted,
RHIEL & ASSOCIATES CO., LPA

/s/ Susan L. Rhiel

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Attorneys for Susan L. Rhiel, Trustee

NOTICE OF FILING OF MOTION

Notice is hereby given that Susan L. Rhiel, Trustee herein, has filed the following papers with the Court: Motion for Turnover of Annuity Payments.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought, or if you want the Court to consider your views thereon, then on or before twenty-one (21) days from the date of service of this notice, you or your attorney must:

File with the Court a written request for a hearing along with a written response or an answer explaining your position. This pleading must be filed at Clerk of Courts, United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215. If you mail your request and response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. The Court will send out a notice of hearing. You must also mail a copy to:

Susan L. Rhiel, Trustee
Rhiel & Associates Co., LPA
394 East Town Street
Columbus, Ohio 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief pursuant to the provisions of Local Bankruptcy Rule 9013.

The undersigned hereby certifies that a copy of the foregoing was mailed to the following parties whose names and addresses are set forth below by electronic and/or U.S. mail, postage prepaid, on **January 6, 2012.**

/s/ Susan L. Rhiel

Susan L. Rhiel

Names and addresses of persons served:

Debtors:

Grant and Melissa Riley
2346 Stargrass Avenue
Grove City, Ohio 43123
Via Regular Mail

Debtors' Attorney:

Ralph Kerns, Esq.
6797 North High Street, Suite 325
Worthington, Ohio 43085
Electronic service through ECF system

Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, Ohio 43215
Electronic service through ECF system